

PR#9833

STRONG, J.D.

4/9/2009

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

STATE OF OKLAHOMA, et al.,  
Plaintiff,

vs.

CASE NO. 05-CV-00329-GKF SAJ

TYSON FOODS, INC., et al.,  
Defendants.

VIDEOTAPED DEPOSITION OF J.D. STRONG  
TAKEN ON BEHALF OF THE DEFENDANTS  
ON APRIL 9, 2009, BEGINNING AT 8:40 A.M.  
IN OKLAHOMA CITY, OKLAHOMA

APPEARANCES:

On behalf of the PLAINTIFF:

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On behalf of the DEFENDANT-TYSON FOODS, TYSON CHICKEN,  
TYSON POULTRY AND COBB-VANTRESS, INC.:

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On behalf of the DEFENDANT-PETERSON FARMS, INC.:

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REPORTED BY: Laura L. Robertson, CSR, RPR

EXHIBIT

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1 pollution, but the phosphorus that comes out of a bag  
2 from Home Depot that runs off into the stream is not  
3 pollution. Is that what you're telling me?

4 MR. LENNINGTON: Object to the form.

5 THE WITNESS: As far as the state law is  
6 concerned, that's true.

7 Q. (BY MR. TUCKER) Okay. Now, you have told me  
8 that a farmer can get a nutrient management plan and  
9 he can comply with that nutrient management plan and  
10 still be violating the law because there can be site  
11 specific runoff from his application of poultry  
12 litter; is that right? Is that what you told us? Did  
13 I get that right?

14 A. Yes, I believe so, yes.

15 Q. Now, what part of the nutrient management  
16 plan tells the farmer, makes that disclosure to the  
17 farmer, does any part of the plan tell him that?

18 A. I'm not familiar with every verse and word  
19 of the nutrient management plan, so I'm not sure if  
20 that is included in the nutrient management plan or  
21 not.

22 Q. Have you ever even looked at one?

23 A. I have glanced.

24 Q. Have you ever read one?

25 A. Not thoroughly.

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1 right?

2 A. I don't know whether or not the farmers know  
3 it.

4 Q. Can do it, can comply?

5 A. It is possible to violate the laws of the  
6 state while complying with a nutrient management plan.

7 Q. And that's because some phosphorus can run  
8 off?

9 A. Correct.

10 Q. How much?

11 A. I think --

12 Q. How much phosphorus?

13 A. It is a very site specific number.

14 Q. An 80 acre tract of land that has litter  
15 applied to it, nutrient management plan says you can  
16 put on three acres a year -- three tons per acre per  
17 year. How much phosphorus runs off that land?

18 MR. LENNINGTON: Object to the form.

19 THE WITNESS: I don't know. That's just a  
20 general --

21 MR. TUCKER: How much phosphorus would have  
22 to run off that land to cross your threshold that  
23 would make it pollution?

24 A. The law says zero runoff.

25 Q. Does phosphorus run off just plain dirt,